



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,400	04/27/2006	Masahiro Chiba	0033-1079PUS1	1250

2292 7590 04/27/2009  
BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

EXAMINER
----------

TRAN, BANGLONG

ART UNIT	PAPER NUMBER
----------	--------------

2458

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

04/27/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/577,400	<b>Applicant(s)</b> CHIBA ET AL.	
	<b>Examiner</b> BANGLONG TRAN	<b>Art Unit</b> 2458	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 45-62 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 45-62 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☒ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/27/2006</u> .  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

1. Claims 1-44 have been cancelled.
2. Claims 45-62 are pending in this application.

***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 45 and 58-62 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 45, 58, 61 and 62 are not limited to tangible embodiments. These claims recited "a message editing/creating unit..., message reproducing unit..." are just limited to a functional descriptive materials consisting of computer program per se (i.e., a reproducing/editing engine program 131 on page 19 of the specification), instead of being defined as including tangible embodiments (i.e., computer readable storage medium such as memory device, storage medium, etc.,). As such, the claims are not limited to statutory subject matter and are therefore non-statutory.

Claims 46-57 are depending upon claim 45 and therefore they are also rejected under 35 U.S.C. 101 as applied to claim 45 above.

Claims 59, 60 are method claims consisting of steps for... but not tied to any particular machine or transform underlying subject matter (such as an article or material) to a different state or thing. Therefore, the claimed invention is directed to non-statutory subject matter.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 45, 46, 49, 51, 52, 58-62 are rejected under 35 U.S.C. 102(e) as being anticipated by Kazunori Nakayama (hereinafter Nakayama), U.S Publication No. 20030079598.

7. As to claim 45, Nakayama discloses a data processing device comprising:

an obtaining unit (Fig.1, communication interface 14; [0046], line 10) obtaining first data being message data or template data ([0046], lines 9-13, i.e., a communication interface 14 sends and receives various data and programs between CPU 1 and the other information devices such as a personal computer) including a plurality of items of

Art Unit: 2458

information forming message creation supporting information used when creating the message data and message browsing information used for browsing the message data ([0050], lines 4-6, i.e., a plurality of pattern data (e.g., 12 patterns) is contained in one pattern pack); and

a message editing/creating unit (Fig.1, tone generator circuit 12; [0046], lines 6-7) using the information forming said message creation supporting information among said plurality of items of the information included in said obtained first data ([0050], lines 4-6, i.e., plurality of data implying first data), thereby editing the information forming said message browsing information in the information included in said first data ([0053], lines 7-10, i.e., an application for music reproduction and creation (editing) processes recognizes each pattern end data as one pattern) , and creating second data including the plurality of items of the information forming said message creation supporting information and said edited message browsing information ([0076], i.e., a pattern sequence implying second data), wherein

each of said plurality of items of the information included in said first and second data is a component of one or both of said message creation supporting information and said message browsing information ([0078], lines 1-4, i.e., an already created pattern sequence contains plurality of pattern data).

8. As to claim 46, Nakayama discloses the data processing device according to claim 45, wherein

said first data is message data, and includes one or more media data being a component of said message browsing information ([0050], lines 4-6, i.e. plurality of pattern data imply music data),

said message creation supporting information includes information specifying editable media data among said one or more media data ([0053], lines 7-13, i.e., pattern information implying editable media data) , and

said message editing/creating unit accepts the edition of the specified editable media data among said one or more media data by using said message creation supporting information ([0055], lines 3-9).

9. As to claim 49, Nakayama discloses the data processing device according to claim 45, wherein

said first data includes component information identifying the information included in said first data and forming the component of said message creation supporting information, and/or identifying the information included in said first data and forming the component of said message browsing information ([0081], lines 5-8)., and

said message creation supporting information determines the information forming said message creation supporting information included in said first data based on said component information ([0072], lines 8-11).

10. As to claim 51, Nakayama discloses the data processing device according to claim 45, further comprising:

a communication unit for transmitting said second data ([0119], lines 6-8, i.e., music data implying second data).

11. As to claim 52, Nakayama discloses the data processing device according to claim 45, wherein

said obtaining unit receives said first data from an external data processing device ([0046], lines 9-13, receiving various data and programs between the CPU 1 and the other information devices such as a personal computer, personal computer implying external data processing).

12. As to claim 58, Nakayama discloses a data processing device comprising:

an obtaining unit (Fig.1, communication interface 14; {0046}, line 10) obtaining first data being message data ([0046], lines 9-13, i.e., a communication interface 14 sends and receives various data and programs between CPU 1 and the other information devices such as a personal computer) including a plurality of items of information forming message creation supporting information used when creating the message data and message browsing information used for browsing the message data ([0050], lines 4-6, i.e., a plurality of pattern data is contained in one pattern pack);

a message reproducing unit (Fig.1, ROM 3; [0044], lines 1-4) reproducing said message data for browsing by using information forming said message browsing information among said plurality of items of the information included in said obtained first data ([0063], lines 7-20); and

a message editing/creating unit (Fig.1, tone generator 12; [0046], lines 6-7) editing the information forming said message browsing information in the information included in said first data by using information forming said message creation supporting information among said plurality of items of the information included in said obtained first data ([0050], lines 4-6, i.e., plurality of data implying first data), thereby editing said message browsing information reproduced by said message reproducing unit ([0053], lines 7-10, i.e., an application for music reproduction and creation (editing) processes recognizes each pattern end data as on pattern), and creating second data including the plurality of items of the information forming said message creation supporting information and said edited message browsing information ([0076], i.e., a pattern sequence implying second data), wherein

each of said plurality of items of the information included in said first and second data is a component of one or both of said message creation supporting information and said message browsing information ([0078], lines 1-4, i.e., an already created pattern sequence contains plurality of pattern data).

13. As to claim 59, Nakayama discloses a data processing method comprising:

an obtaining step of obtaining first data being message data or template data ([0046], lines 9-13, i.e., a communication interface 14 sends and receives various data and programs between CPU 1 and the other information devices such as a personal computer) including a plurality of items of information forming message creation supporting information used when creating the message data and message browsing



Art Unit: 2458

information used for browsing the message data ([0050], lines 4-6, i.e., a plurality of pattern data is contained in one pattern pack); and

a message editing/creating step of using the information forming said message creation supporting information among said plurality of items of the information included in said obtained first data ([0050], lines 4-6, i.e., plurality of data implying first data), thereby editing the information forming said message browsing information in the information included in said first data ([0053], lines 7-10, i.e., an application for music reproduction and creation (editing) processes recognizes each pattern end data as on pattern), and creating second data including the plurality of items of the information forming said message creation supporting information and said edited message browsing information ([0076], i.e., a pattern sequence implying second data), wherein

each of said plurality of items of the information included in said first and second data is a component of one or both of said message creation supporting information and said message browsing information ([0078], lines 1-4, i.e., an already created pattern sequence contains plurality of pattern data).

14. As to claim 60, Nakayama discloses a data processing method comprising:

an obtaining step of obtaining first data being message data ([0046], lines 9-13, i.e., a communication interface 14 sends and receives various data and programs between CPU 1 and the other information devices such as a personal computer) including a plurality of items of information forming message creation supporting information used when creating the message data and message browsing information

Art Unit: 2458

used for browsing the message data ([0050], lines 4-6, i.e., a plurality of pattern data is contained in one pattern pack);

a message reproducing step of reproducing said message data for browsing by using information forming said message browsing information among said plurality of items of the information included in said obtained first data ([0063], lines 7-20); and

a message editing/creating step of editing the information forming said message browsing information in the information included in said first data by using information forming said message creation supporting information among said plurality of items of the information included in said obtained first data ([0050], lines 4-6, i.e., plurality of data implying first data), thereby editing said message browsing information reproduced by said message reproducing unit ([0053], lines 7-10, i.e., an application for music reproduction and creation (editing) processes recognizes each pattern end data as on pattern), and creating second data including the plurality of items of the information forming said message creation supporting information and said edited message browsing information ([0076], i.e., a pattern sequence implying second data), wherein

each of said plurality of items of the information included in said first and second data is a component of one or both of said message creation supporting information and said message browsing information ([0078], lines 1-4, i.e., an already created pattern sequence contains plurality of pattern data).

15. As to claim 61, Nakayama discloses a data processing program causing a computer to function as:

an obtaining unit (Fig.1, communication interface 14; [0046], line 10) obtaining first data being message data or template data ([0046], lines 9-13, i.e., a communication interface 14 sends and receives various data and programs between CPU 1 and the other information devices such as a personal computer) including a plurality of items of information forming message creation supporting information used when creating the message data and message browsing information used for browsing the message data ([0050], lines 4-6, i.e., a plurality of pattern data is contained in one pattern pack); and

a message editing/creating unit (Fig.1, tone generator circuit 12; [0046], lines 6-7) using the information forming said message creation supporting information among said plurality of items of the information included in said obtained first data ([0050], lines 4-6, i.e., plurality of data implying first data), thereby editing the information forming said message browsing information in the information included in said first data ([0053], lines 7-10, i.e., an application for music reproduction and creation (editing) processes recognizes each pattern end data as on pattern), and creating second data including the plurality of items of the information forming said message creation supporting information and said edited message browsing information ([0076], i.e., a pattern sequence implying second data), wherein

each of said plurality of items of the information included in said first and second data is a component of one or both of said message creation supporting information and said message browsing information ([0078], lines 1-4, i.e., an already created pattern sequence contains plurality of pattern data).

Art Unit: 2458

16. As to claim 62, Nakayama disclose, a data processing program causing a computer to function as:

an obtaining unit (Fig.1, communication interface 14; [0046], line 10) obtaining first data being message data ([0046], lines 9-13, i.e., a communication interface 14 sends and receives various data and programs between CPU 1 and the other information devices such as a personal computer) including a plurality of items of information forming message creation supporting information used when creating the message data and message browsing information used for browsing the message data ([0050], lines 4-6, i.e., a plurality of pattern data is contained in one pattern pack);

a message reproducing unit (Fig.1, ROM 3; [0044], lines 1-4) reproducing said message data for browsing by using information forming said message browsing information among said plurality of items of the information included in said obtained first data ([0063], lines 7-20); and

a message editing/creating unit (Fig.1, tone generator circuit 12; [0046], lines 6-7) editing the information forming said message browsing information in the information included in said first data by using information forming said message creation supporting information among said plurality of items of the information included in said obtained first data ([0050], lines 4-6, i.e., plurality of data implying first data), thereby editing said message browsing information reproduced by said message reproducing unit ([0053], lines 7-10, i.e., an application for music reproduction and creation (editing) processes recognizes each pattern end data as on pattern), and creating second data including the plurality of items of the information forming said message creation

Art Unit: 2458

supporting information and said edited message browsing information 0076], i.e., a pattern sequence implying second data), wherein

each of said plurality of items of the information included in said first and second data is a component of one or both of said message creation supporting information and said message browsing information ([0078], lines 1-4, i.e., an already created pattern sequence contains plurality of pattern data).

***Claim Rejections - 35 USC § 103***

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 47, 48, 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakayama as applied to claim 45 above, and further in view of Saunders et al (hereinafter Saunders), U.S. Publication No. 20060288113.

19. As to claim 47, Nakayama discloses the invention as described in claim 47 above. Nakayama further discloses

said message editing/creating unit indicating that the data is the component of said message creation supporting information ([0076], lines 1-5, and thereby determines

Art Unit: 2458

the information forming said message creation supporting information included in said first data ([0072], lines 8-11).

Nakayama does not disclose  
said first data is data described using tags,  
said tags include a tag indicating that the data is a component of said message creation supporting information.

However, Saunders discloses  
said first data is data described using tags ([0029], lines 7-8),  
said tags include a tag indicating that the data is a component of said message creation supporting information ([0029], lines 7-8).

It would have been obvious to the one skilled in the art at the time of the invention to combine the teaching of Nakayama with the teaching of Saunders to have said first data is data described using tags, said tags include a tag indicating that the data is a component of said message creation supporting information. Because it would provide users a better method to allow a content author to package web content data into a single synchronized web component stream and time line, facilitate the content author to encode the web content data for efficient delivery for the bandwidth and topology of a given network. As a result, web content data is streamed over a network for efficient, metered delivery, synchronized playback of the web content data with other media such as audio and video data can be conducted at a client machine [0007].

20. As to claim 48, Nakayama discloses

said message editing/creating unit determines the information forming said message creation supporting information included in said first data ([0072], lines 8-11).

Nakayama does not disclose

said first data is data described using tags ([0029], lines 7-8),

said tags include a tag indicating that the data is other than a component of said message creation supporting information 90029], lines 8-15).

The motivation of this claim is as same as the one of claim 47 above.

21. As to claim 50, Nakayama and Saunders disclose the invention as described in claims 45 and 49 above. Nakayama further discloses

said message editing/creating unit determines the information forming said message creation supporting information included in said first data based on the component information ([0072], lines 8-11).

Nakayama does not disclose said component information is included in a header area of said first data.

However, Saunders discloses said component information is included in a header area of said first data ([0029], lines 2-5).

The motivation of this claim is as same as the one of claim 47 above

22. Claim 53 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakayama as applied to claim 45 above, in view of Drucker et al (hereinafter Drucker), U.S. Publication No. 20030233460, and further in view of Frietas et al (hereinafter

Art Unit: 2458

Frietas), U.S Publication No. 20060235945.

23. As to claim 53, Nakayama discloses the invention as described in claim 45 above. Nakayama does not disclose

said first data includes media data being the component of said message browsing information,

said message creation supporting information includes information representing a function of an external device started for editing said media data, and

said message editing/creating unit edits the media data included in said message browsing information by accessing the external device using said message creation supporting information and by using the function provided from said external device.

However, Drucker discloses

said first data includes media data being the component of said message browsing information ([0039], lines 1-2).

Nakayama and Drucker do not disclose

said message creation supporting information includes information representing a function of an external device started for editing said media data, and

said message editing/creating unit edits the media data by accessing the external device using said message creation supporting information and by using the function provided from said external device.

However, Frietas discloses



said message creation supporting information includes information representing a function of an external device started for editing said media data ([0150], lines 1-4), and

said message editing/creating unit edits the media data by accessing the external device ([0023], lines 1-6) using said message creation supporting information and by using the function provided from said external device ([0150], lines 1-4).

It would have been obvious to the one skilled in the art at the time of the invention to combine the teaching of Nakayama, Drucker with the teaching of Frietas to have

said first data includes media data being the component of said message browsing information,

said message creation supporting information includes information representing a function of an external device started for editing said media data, and

said message editing/creating unit edits the media data included in said message browsing information by accessing the external device using said message creation supporting information and by using the function provided from said external device.

Because it would provide users a better a method of communicating wireless data wherein a request is generated at a wireless device. The type of wireless device which generated the request is detected and the request is routed to a server through a software module which implements the functionality of a particular application for the wireless device type. The request is then processed at the server and a response to the request is generated (Frietas [0007]).

24. Claim 54 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakayama as applied to claim 45 above, in view of Drucker and further in view of Buckner et al. (hereinafter Buckner), U.S. Publication No. 20010054078.

25. As to claim 54, Nakayama discloses the invention as described in claim 45 above. Nakayama further discloses

said message editing/creating unit receives said data in said message creation assisting information ([0046], lines 9-13), and performs a part or the whole of the edition of said message information ([0072], lines 8-11).

Nakayama does not disclose

said message browsing information in the information,

said message creation supporting information includes information designating a provider providing data.

However Drucker discloses

said message browsing information in the information ([0039], lines 1-2).

Nakayama and Drucker do not disclose

said message creation supporting information includes information designating a provider providing data

However, Buckner discloses said message creation supporting information includes information designating a provider providing data ([0051], lines 19-23).

It would have been obvious to the one skilled in the art at the time of the invention to combine the teaching of Nakayama, Drucker with the teaching of Buckner to have message browsing information and message creation supporting information includes information designating a provider providing data. Because it would provide users a better method of creating a textual template wherein information from the textual template is recorded in the electronic database, configuring the textual template and sending the textual template via electronic mail to at least one recipient, the steps of editing the textual template, sending the edited textual template to the electronic database, and updating the electronic database with the edited textual template (Buckner: [0007]).

26. Claim 55 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakayama as applied to claim 45 above, in view of Buckner.

27. As to claim 55, Nakayama discloses the invention as described in claim 45 above. Nakayama further discloses

said first data is message data ([0050], lines 4-6, i.e., plurality of pattern data imply music data), and

said message editing/creating unit creates said second data including, as a part or the whole of said message creation supporting information ([0053], lines 7-13)

Nakayama does not disclose information designating a provider of the template data used creating said message data.

However, Buckner discloses information designating a provider of the template data used creating said message data ([0051], lines 19-23).

It would have been obvious to the one skilled in the art at the time of the invention to combine the teaching of Nakayama with the teaching of Buckner to have information designating a provider of the template data used creating said message data. Because it would provide users a better method of creating a textual template wherein information from the textual template is recorded in the electronic database, configuring the textual template and sending the textual template via electronic mail to at least one recipient, the steps of editing the textual template, sending the edited textual template to the electronic database, and updating the electronic database with the edited textual template [0007].

28. Claims 56, 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakayama as applied to claim 45 above, in view of Kaneko et al. (hereinafter Kaneko), U.S. Publication No. 20060041634.

29. As to claim 56, Nakayama discloses the invention as described in claim 45 above. Nakayama further discloses

said first data is message data ([0050], lines 4-6, i.e., plurality of pattern data imply music data),

said data processing device further comprises a storing unit (Fig.1, External storage device 5; [0044], lines 1-4)

said message editing/creating unit reads from said storing unit ([0044], lines 1-8, i.e., the memory records music data use for music reproduction and creation application software implying editing/creating unit reads from storing unit).

Nakayama does not disclose

said message creation supporting information includes an ID designating the template data used creating said message data,

storing the obtained template data and the IDs designating said template data in a corresponding fashion, and

said template data corresponding to the ID designating said template data in said message creation supporting information, and performs a part or the whole of the edition of said message browsing information using said read template data.

However, Kaneko discloses

said message creation supporting information includes an ID designating the template data used creating said message data ([0181], lines 8-9),

storing the obtained template data ([0124], lines 1-6) and the IDs designating said template data in a corresponding fashion ([0125], lines 2-7), and

said template data corresponding to the ID designating said template data in said message creation supporting information ([0165], lines 1-5), and performs a part or the whole of the edition of said message browsing information using said read template data ([0165], lines 5-10).

It would have been obvious to the one skilled in the art at the time of the invention to combine the teaching of Nakayama with the teaching of Kaneko to have

Art Unit: 2458

said message creation supporting information includes an ID designating the template data used creating said message data, storing the obtained template data and the IDs designating said template data in a corresponding fashion, and said template data corresponding to the ID designating said template data in said message creation supporting information, and performs a part or the whole of the edition of said message browsing information using said read template data. Because it would provide users a data providing system including a data providing apparatus for generating the provision image data of a provision image which is reusable by inlaying a predetermined advertisement image into a predetermined template image in which a predetermined user image can be inlaid as superimposed upon the predetermined advertisement image and sending the generated provision image data via a network and a data acquisition apparatus for receiving the provision image data from the data providing apparatus via the network, displaying the provision image based on the received provision image data, inlaying the predetermined user image into the template image of this provision image as superimposed upon the predetermined advertisement image, and generating transmission image data of a transmission image for displaying the predetermined user image along with the predetermined template image in preference to the predetermined advertisement image until this predetermined user image is detached from the template image [0006].

30. As to claim 57, Nakayama discloses the invention as described in claim 45 above. Nakayama further discloses

Art Unit: 2458

said first data is message data ([0050], lines 4-6, i.e., plurality of pattern data imply music data),

Nakayama does not disclose

said message creation supporting information includes an ID designating the template data used creating said message data,

said message editing/creating unit transmits an ID designating said template data in said message creation supporting information to an external device, obtains said template data corresponding to said transmitted ID from said external device, and performs a part or the whole of the edition of said message browsing information using said obtained template data.

However, Kaneko discloses

said message creation supporting information includes an ID designating the template data used creating said message data ([0181], lines 8-9),

said message editing/creating unit transmits an ID designating said template data in said message creation supporting information to an external device ([0143], lines 2-6), obtains said template data corresponding to said transmitted ID from said external device ([0153], lines 7-16), and performs a part or the whole of the edition of said message browsing information using said obtained template data ([0165], lines 5-10).

The motivation of this claim is as same as the one of claim 56 above.

***Conclusion***

31. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Natsume et al.	US 20040199631
Chuah et al.	US 20030231626
Kelly at al.	US 20080216070
Jason Jerome	US 20040143667

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BANGLONG TRAN whose telephone number is (571)270-3931. The examiner can normally be reached on Monday-Friday 8:00 a.m.-5:00p.m, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B. Burgess can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 2458

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B. T./  
Examiner, Art Unit 2458

/Joseph E. Avellino/

Primary Examiner, Art Unit 2446